

FREDERICK COUNTY PLANNING COMMISSION

May 11, 2016

TITLE: **Bennett Preserve (Formerly Crossroads)
Section 1, Phase 2 &3**

FILE NUMBER: **S-1131, AP 15582 (APFO 15583, FRO
15584)**

REQUEST: **Preliminary Plan Approval**

The Applicant is requesting Preliminary Plan approval for 13 single family residential lots (a reduction of 2 lots) and approval of a cul-de-sac where a through movement was previously approved within the 46.8-acre Section 1 portion of the overall 74.50 acre Bennett Preserve subdivision.

PROJECT INFORMATION:

ADDRESS/LOCATION: Located on the southern side of MD 75-Green Valley Road, between Lewisdale Road and MD 355 at the terminus of Regina Terrace.

TAX MAP/PARCEL: Tax Map 106, Parcel 15
COMP. PLAN: Rural Community
ZONING: R-1 Residential
PLANNING REGION: Urbana
WATER/SEWER: W-NPS/S-NPS

APPLICANT/REPRESENTATIVES:

APPLICANT: Crossroads Land, LLC
OWNER: Crossroads Land, LLC
ENGINEER: J.F. Brown II & Associates, Inc.
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Tolson DeSa, Principal Planner II

RECOMMENDATION:

ATTACHMENTS:

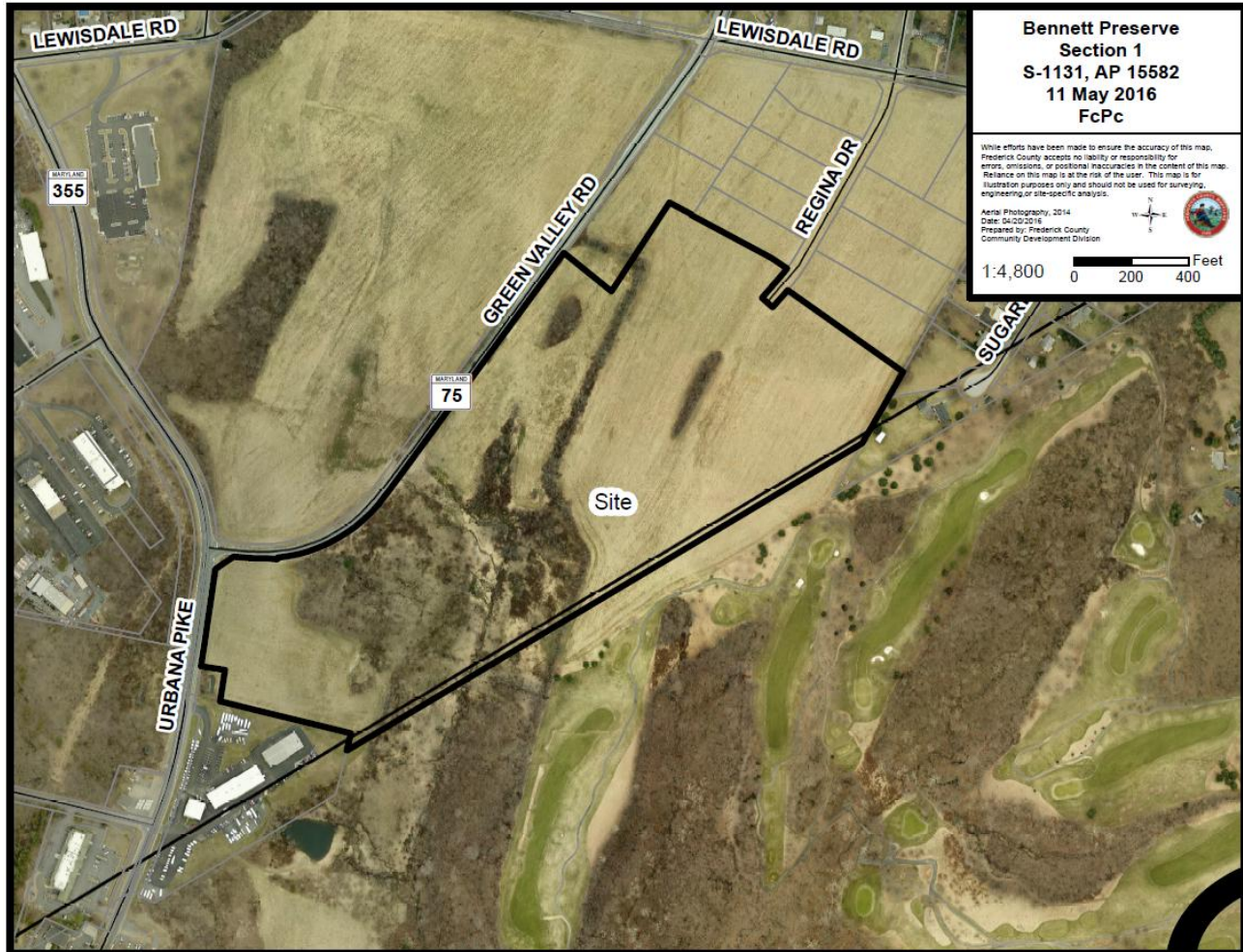
EXHIBIT 1-Bennett Preserve Preliminary Plan Rendering
EXHIBIT 2-Justification Statement

STAFF REPORT

ISSUE

The Applicant is requesting Preliminary Subdivision Plan approval for 13 single family residential lots and approval of a cul-de-sac where a through movement was previously approved on a 46.8 acre portion of the overall 74.50 acre Bennett Preserve subdivision. The proposed cul-de-sac (Regina Terrace) will remove the previously approved through street connection of Regina Drive to MD 75/Green Valley Road.

Graphic #1: Bennett Preserve Aerial Section 1 Phases 2 & 3.



BACKGROUND

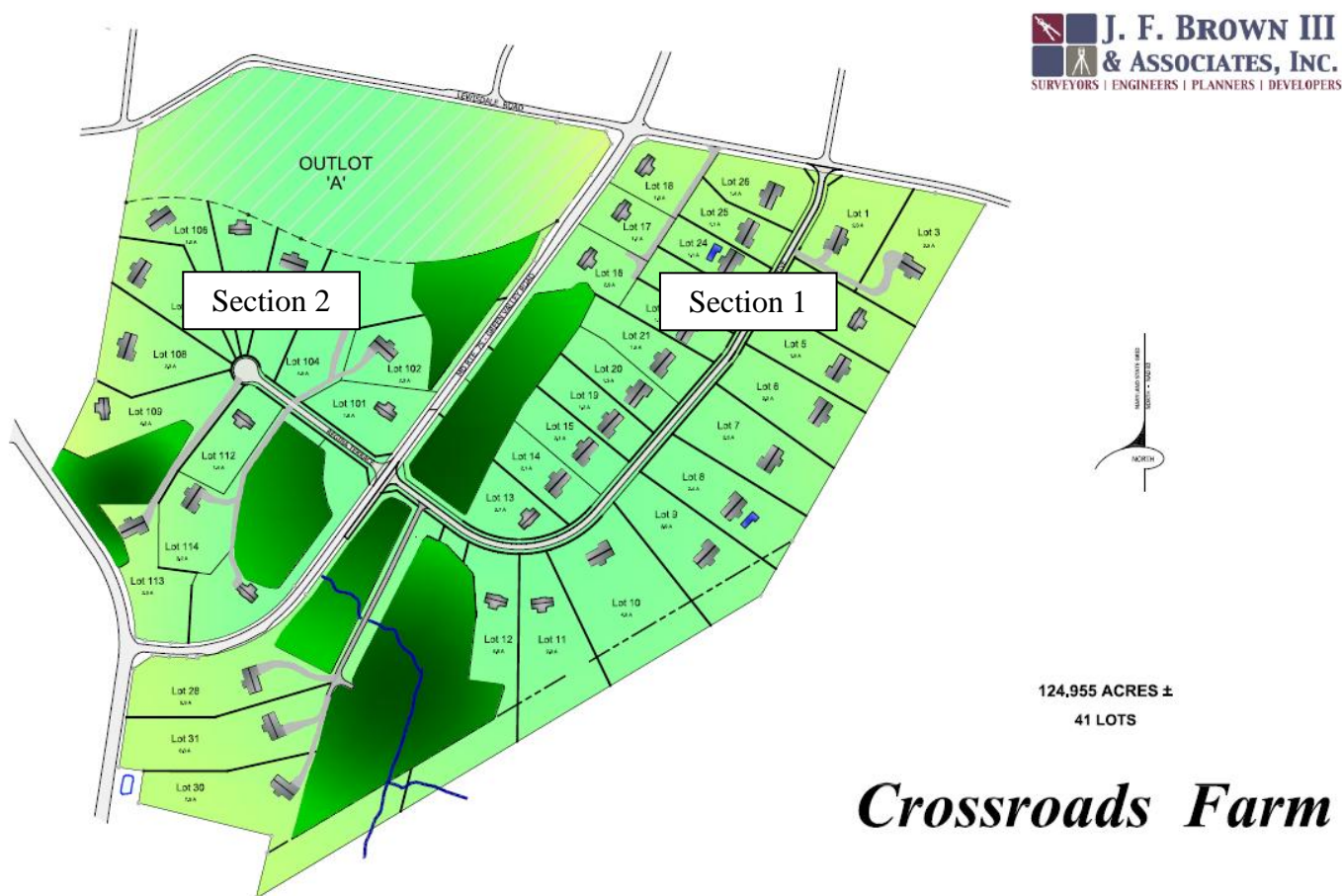
This property was the subject of a previous subdivision application known as Crossroads Farm.

In September of 2010, the original 129.73 acre parcel was subdivided into a 50.44 acre portion known as Section 2 (west side of MD 75), and a 74.50 acre portion known as Section 1 (east side of MD 75) through a Plat of Public Taking for MD 75 which dedicated 3.97 acres to the State Highway Administration. In addition 17.01 acre reserve area for the possible relocation of MD 75 was also shown on the plat along the northern boundary of Section 2.

The Frederick County Comprehensive Plan shows a re-alignment of MD 75, west of its current location, at the northern end of the subject property. The timing of this State highway re-alignment is undetermined. It is heavily influenced by the need for a new interchange on I-270, which is currently being considered by the I-270/US 15 Multi-Modal Study. Once MD 75 is re-aligned, the old portion of MD 75 will become a local road.

On November 13, 2013 the Frederick County Planning Commission (FCPC) conditionally approved Crossroads Farm Preliminary Subdivision Plan AP 13001 for 41 single family residential lots on 124.95 acres, comprised of Section 1 and 2 located on both sides of MD 75 (See Graphic #2 Crossroads Farm Preliminary Plan Rendering below). Due to design constraints the Applicant removed 2 lots within Phase 3 on the final design prior to final signature and 39 lots were approved. Section 2 is not part of the current Bennett Preserve preliminary plan amendment application review.

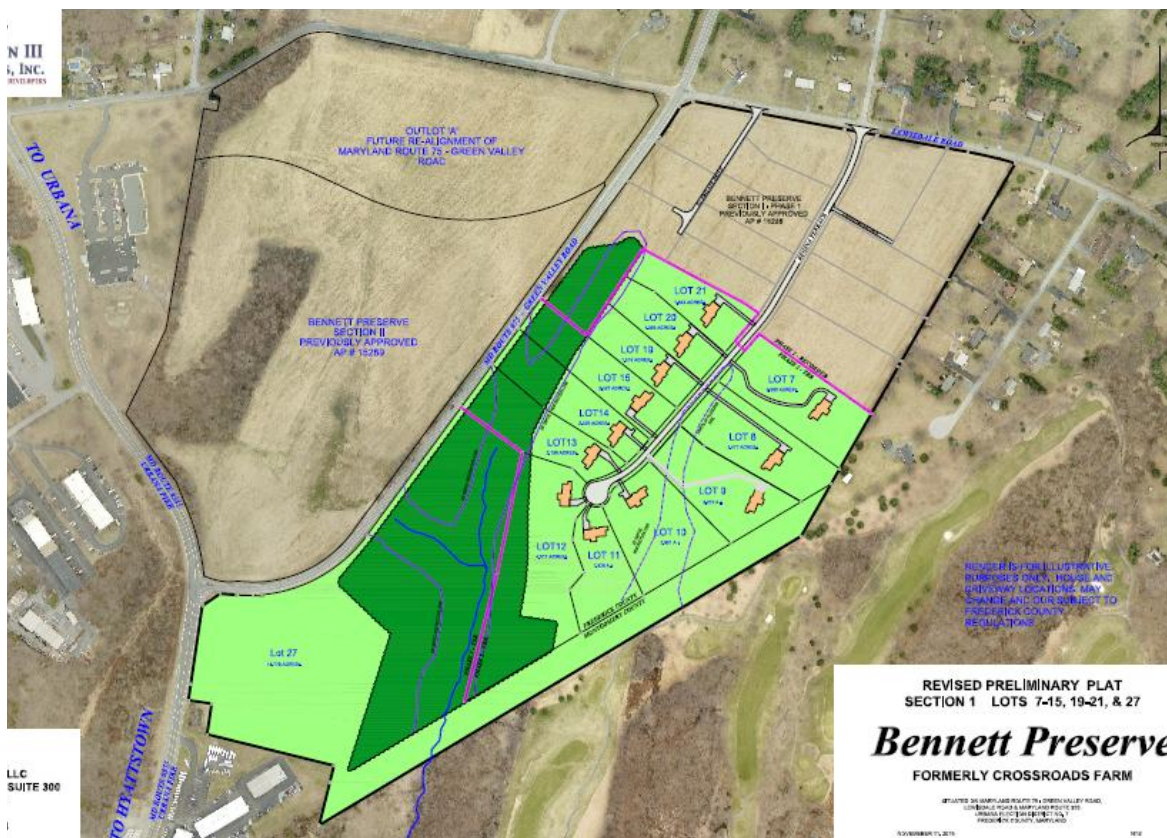
Graphic # 2: Previous approved Crossroads Subdivision S-1131 AP 13001



On March 10, 2015, Staff approved a Preliminary Plan amendment that added three phasing lines to Section 1 (east side of MD 75) with construction of Regina Drive and a temporary turnaround at the terminus of the roadway. Phase 1 within Section 1 is comprised of 13 lots that are recorded and currently under construction along the partially constructed Regina Drive.

Phase 2 of Section 1 is comprised of 12 lots, which is the subject of this current approval request. Phase 3 is comprised of 1 lot, located on the corner of MD 75 and MD 355, which is also the subject of this current approval request. This preliminary plan amendment, (See Graphic #3 below) is also proposing to remove the through street connection of Regina Drive to MD 75/Green Valley Road and is proposing a cul-de-sac to be known as Regina Terrace.

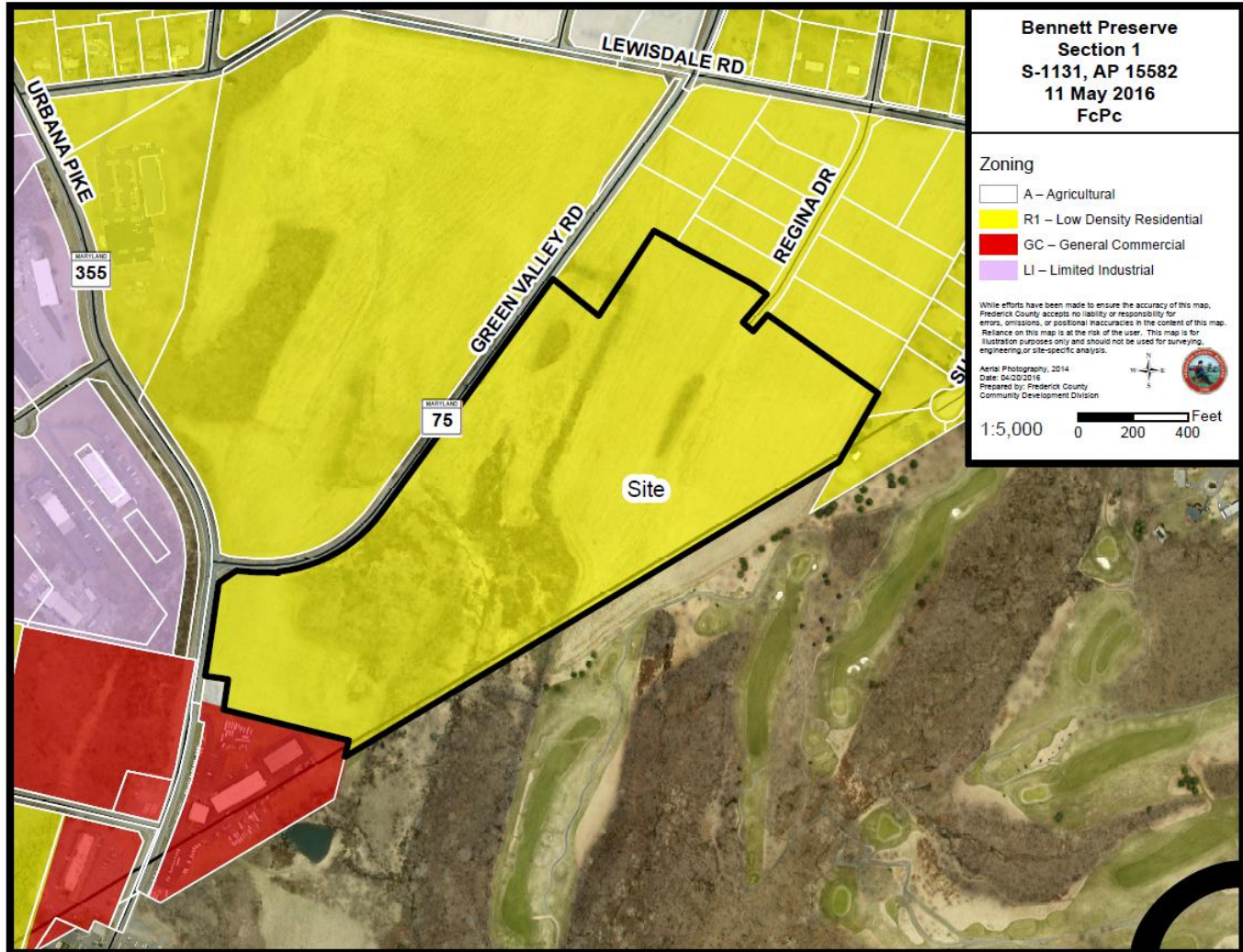
Graphic #3: Bennett Preserve Site Plan Rendering



Existing Site Characteristics

The site is zoned R1 residential (see Graphic 4 below) and consists of open agricultural ground, with forested corridors along the eastern and western boundaries of MD 75, see Graphic #2 below. Thirteen lots in Section 1 have been recorded and are under construction. Stream valleys cross the southern portion of the site. The site adjoins the Sugarloaf Vista residential subdivision to the east, located off of Sugar Loaf Park View Lane.

Graphic #4: Bennett Preserve Zoning Map



ANALYSIS

A. ZONING ORDINANCE REQUIREMENTS

- District Regulations, Design Requirements For Specific Districts §1-19-6.100: Residential One District (R1):** Single family residential requirements: 40,000 square foot minimum lot size, 100 foot minimum lot width, 40 foot front setback, 30 foot rear yard setback, and 10 foot side yard setback, 30 foot maximum structure height.

All of the proposed lots meet the minimum 40,000 square foot (0.92 acres) lot size requirement. Lots range in size from 1.31 acres up to 18.77 acres (Lot 27), with an average lot size of 3.52 acres. The required front, rear, and side setbacks are: 40' front, 10' side, and 30' rear as shown on the plan and meet the Zoning Ordinance requirements.

Zoning Ordinance Requirements Findings/Conclusions

The proposed subdivision will meet all Zoning Ordinance requirements.

B. SUBDIVISION REGULATION REQUIREMENTS

1. ***Land Requirements §1-16-217 (A):*** *The land use pattern of the Comprehensive Plan and the district regulations of the zoning ordinance shall form the basic theme of the design pattern of the proposed subdivision.*

The proposed land use and subdivision design complies with the Comprehensive Plan and meets Zoning Ordinance requirements for the R-1 zoning district.

2. ***Land Requirements §1-16-217 (B):*** *The subdivision design shall take advantage of the uniqueness of the site reflected by topography, soils, the wooded areas, water bodies and the relationship to adjoining subdivisions and land uses, both proposed and existing.*

The site design takes advantage of the site topography, wooded areas, stream valley and wetlands. The stream valley and wetlands will be maintained in existing forest. The existing forest will be retained due to the elimination of the through movement street and therefore will provide additional buffers along these sensitive areas.

The Applicant has described within the attached justification statement (see Exhibit 2) how the proposed revision to the project takes greater advantage of the uniqueness of the site than the currently approved Preliminary Plan.

3. ***Preliminary Plan, Required Information §1-16-72 (B)(19)(a & b):*** *Soil types: (a) Soils type(s) information shall be provided and appropriate boundaries shown on the plan. In the event that "wet soils" are located on or within 100 feet of a proposed residential subdivision, a soil delineation report shall be prepared by a licensed soil scientist or professional engineer registered in the State of Maryland. The soils delineation report shall be submitted for review prior to Planning Commission approval of the plan. The Division may waive this requirement if the "wet soils" are located within open space areas. (b) If residential lots are proposed within "wet soils" then a geotechnical report is required to be submitted by a professional engineer registered in the State of Maryland. A note shall be placed on the plan that all construction shall be in conformance with the geotechnical report.*

There are wetlands, streams, MnB and RoB wet soils, and RoB flooding soils on the property.

The wet soils are located within the stream valleys that run through the site located within the existing or proposed Forest Resource Ordinance (FRO) easement located within Phase 3.

In June of 2013, the Applicant hired Matapeake Soil & Environmental Consultants to conduct a wet soils study, in order to identify wet soils mapped on the property within 100 feet of a residential dwelling with a basement. The majority of wet soils in Section I are located within the Forest Resource Ordinance easement area adjacent to the stream that runs north/south near MD 75/Green Valley Road. The proposed lots appear to include a building site further than 100' from wet soils. However, any residential structure with a basement proposed by the Applicant within 100' of wet soils, shall at the time of building permit comply with section 1-19-9.300 of the Zoning Ordinance.

4. Flooding Soils 1-19-9.110(B) (7) Flooding soils. *No new development shall be permitted in areas of flooding soils unless approved through a mitigation process including the following:*

(a) Submission by the applicant of a geotechnical report and soils report prepared by a registered professional engineer in the State of Maryland and a soil scientist with full membership in a State Soils Professional Organization or that meets certification requirements. The report shall address soil characteristics to include flooding frequency, duration, and surface water depth.

(b) Determination of buildable areas by the Community Development Division.

(c) Submission by the applicant of a mitigation plan for approval by the Community Development Division. The mitigation plan shall include such factors as:

1. Retention pond releasing at predevelopment rates to include capacity for temporary inundation as determined in § [1-19-9.110](#) (B)(7)(a).

2. Use of techniques to reduce off-site runoff and ensure adequate groundwater recharge.

Per Frederick County Zoning Ordinance Definition Section 1-19-11.100, 'Flooding Soils' are defined as soils that are temporarily inundated by overflowing streams or by runoff from adjacent slopes as identified in the Soil Survey of Frederick County. There is a finger of RoB flooding soils that runs through proposed Lots 7-10. The flooding soils bordering lots 11-16, & 19-21 will not be impacted by the proposed development.

The flooding soils located on proposed Lots 7-10 are to be developed with a driveway crossing and associated grading, which is considered "*Development*" per Zoning Ordinance Definition Section 1-19-11.100.

DEVELOPMENT. *Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, dumping extraction, dredging, grading, paving, storage of materials or equipment, land excavation, land clearing, land improvement, landfill operation, or any combination thereof. This term shall also include the subdivision of land as it applies to existing properties located totally within a designated floodplain.*

Therefore, the Applicant has worked with Staff to utilize the mitigation provisions within the Zoning Ordinance. In accordance with the mitigation process listed above the Applicant has worked with PPD Planning and Engineering Staff on an acceptable mitigation plan, shown on Sheet 6. The Applicant has submitted a geotechnical and soils report dated July 7, 2013, which adequately addresses the flooding frequency, duration and surface water depth located on the Bennett Preserve site. The recharge berms meet the criteria the within Z.O. §1-19-9.110.B.7.c.2 and the recharge ponding meets criteria the within Z.O. §1-19-9.110.B.7.c.1.

The mitigation areas on lots 7-10 will be protected by a private flooding soils mitigation, drainage, and maintenance easement that will be recorded and referenced on the final plats as well as the final HOA documents.

5. Road Access Requirements. Public Facilities §1-16-12 (B)(3)(b): *For major subdivisions; Lots must access a publicly-maintained road with a continuously paved surface that is at least 20 feet in width.*

The proposed 13 lots will access the existing Regina Drive (proposed Regina Terrace), which connects to Lewisdale Road. Lot 27 will take direct access off of MD 75. Regina Drive is a public local road with a 50' right-of-way including a 20' wide paved road surface.

The proposed internal subdivision street extension will meet the minimum 20 foot wide paved road surface requirement.

6. Other Street Requirements. Development on Dead End Streets §1-16-236 (K):

(K) Subdivisions on cul-de-sac or dead end streets shall be permitted only if approved by the Planning Commission (or county staff) in accordance with this division, the Design Manual, and the following provisions, as applicable:

(1) For proposed development on new or existing cul-de-sac or dead end street(s), except existing dead end streets described in subsection (2) below, the following requirements apply:

(a) Applicant must demonstrate the existence of site specific circumstances that make the design and development of a through street practically infeasible.

(b) In the AG and R-1 zoning district, cul-de-sac or dead end street(s) shall not exceed 1,800 feet in length and shall not serve more than 30 lots, dwelling units, or parcels. The Planning Commission may approve development of a greater number of lots and/or on a longer cul-de-sac or dead end street if the Planning Commission considers the individual property characteristics and the goals and principles of § 1-16-234 as set forth in § 1-16-236(K)(1)(c).

§ 1-16-234: In designing highways, streets, roads, or common driveways, the subdivider shall be guided by the following principles.

(A) Design to consider the context of the proposed land use, including the existing and proposed

land development patterns on adjacent parcels.

(B) Design for opportunities to create interconnections between adjoining parcels.

(C) Provide for adequate vehicular and pedestrian access to all parcels.

(D) Design local residential street systems to minimize through traffic movement and to discourage excessive speed.

(E) Provide reasonable direct access from local street systems to the primary transportation system.

(F) Local transportation systems and land development patterns shall not conflict with the efficiency of bordering arterial routes.

(G) Provide for safety, efficiency, and convenience of all users of the transportation system.

(H) Pedestrian-vehicular conflict points shall be minimized.

(I) Design to preserve, enhance, or incorporate natural, community, and historic resources.

(J) Be suitably located and designed/improved to accommodate prospective traffic, emergency service vehicles, and road maintenance equipment.

(K) Sidewalk, street design, right-of-way and paving shall be in accordance with these regulations and the County Design Manual.

Due to environmental challenges including wet soils, flooding soils, an existing stream, site grades and existing forest the Applicant is requesting approval of Regina Terrace as a 1700 +/- foot long cul-de-sac. Regina Terrace as a cul-de-sac would replace the currently approved through movement of Regina Drive which was intended to connect to MD 75/Green Valley Road. Regina Terrace would serve the 10 existing and 13 proposed lots within Section 1 Phases 1 & 2. The proposed cul-de-sac is less than 1800' in length and serves fewer than 30 lots. The Applicant has described within the attached justification statement (see Exhibit 2) how the proposed cul-de-sac meets the criteria within the subdivision regulations.

The proposed revisions to the existing approved Preliminary Plan, will reduce the total number of previously approved residential lots by 2 (consolidated into Lot 27), as well as retain a previously fragmented environmentally sensitive area.

7. Water and Sewer Facilities. Public Facilities §1-16-12 (C): The proposed subdivision shall be disapproved unless each building lot has been approved for individual and/or community sewerage and water facilities by the Health Department.

The property has a water and sewer classification of No Planned Service (NPS) and must utilize private septic areas and wells. Per §1-16-12 (C)(2) of the subdivision regulations, all wells and

Bennett Preserve Section 1, Phase 2 & 3

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septic areas must be approved by the Health Department prior to final plat approval and lot recordation.

Subdivision Regulation Requirements Findings/Conclusions

If the Planning Commission approves the proposed cul-de-sac in conformance with 1-16-236 (K) then the project will meet all Subdivision Regulation requirements once all agency comments and conditions have been satisfied.

C. OTHER APPLICABLE REGULATIONS

Stormwater Management – Chapter 1-15.2: Stormwater management will be provided in accordance with the Maryland SWM Act of 2007. A combined SWM Concept/Development/Improvement Plan (AP 14863) plan has been submitted and approved by Staff. The previously approved SWM plan is consistent with the proposed cul-de-sac revision to Phase 2 and 3.

APFO – Chapter 1-20: Per 1-20-8(A), this subdivision is exempt from APFO because the proposed revisions do not increase the density or intensity of the site, as it relates to trip generation or student yield. The current APFO approval is valid through November 13, 2016, at which time all APFO requirements must be satisfied and all lots platted.

Forest Resource Ordinance – Chapter 1-21: This project is subject to Forest Resource Ordinance (FRO) requirements. A Final Forest Conservation Plan was approved in 2014 based on the original design of the subdivision. Mitigation was provided in May 2015, which included the recordation of 13.56 acres of FRO easement (7.77 acres of existing forest and 5.79 acres of newly planted forest) as well as a transfer of 4.22 acres forest banking credit.



The Applicant submitted a revised Final Forest Conservation Plan in June 2015 to make changes to the FRO based on the proposed revisions to the current Section I Bennett Preserve Preliminary subdivision plan (AP 15882). The FRO changes include planting new forest over the area once occupied by the western portion of Regina Drive and saving the forest that was once to be removed for the construction of a common driveway that served Lots 28, 30, and 31 (these three lots are now proposed to be combined into lot 27 and gain access via MD 75). The result of these FRO changes is an additional 1.11 acres of preserved forest and an additional 1.20 acres of newly planted forest.

Staff has no objections to the revised FRO plan. The revised Final Forest Conservation Plan must obtain approval prior to the final approval of the revised Preliminary Plan. The revised FRO easement must be recorded prior to applying for grading permit, building permits, or lot recordation, whichever is applied for first.

Summary of Agency Comments

Other Agency or Ordinance Requirements	Comment
Development Review Engineering (DRE):	Conditionally Approved
Development Review Planning:	Hold. Address all agency comments as the plan proceeds through to completion.
State Highway Administration (SHA):	N/A
Div. of Utilities and Solid Waste Mngt. (DUSWM):	N/A
Health Dept.	Conditionally Approved.
Office of Life Safety	Approved
DPDR Traffic Engineering	Approved
Historic Preservation	N/A

RECOMMENDATION

If the Planning Commission approves the proposed cul-de-sac in conformance with 1-16-236 (K) then Staff has no objection to conditional approval of the Preliminary Plan.

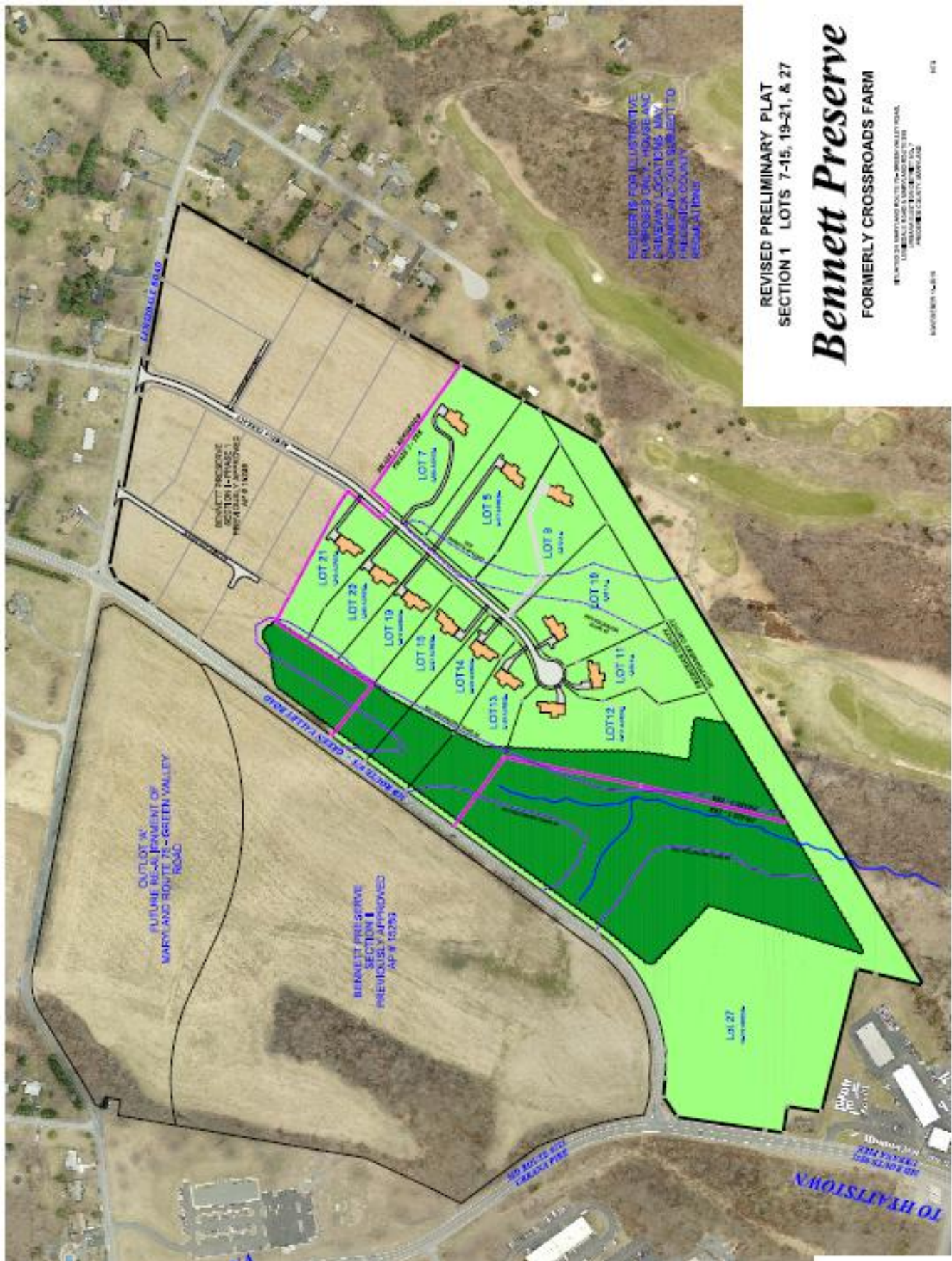
Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable Subdivision, Zoning, APFO, and FRO requirements. Should the FcPc grant approval of this application (S-1131, AP 15582) for Section 1 Phases 2 & 3 comprised of 13 lots, Staff recommends that the following items be added as conditions to the approval:

1. The Applicant shall comply with all Staff and agency comments through the completion of the plan.
2. The revised Final Forest Conservation Plan must obtain approval prior to the final approval of the revised Preliminary Plan. The revised FRO easement must be recorded prior to applying for grading permit, building permits, or lot recordation, whichever is applied for first.
3. The Private Flooding Soils Mitigation, Drainage, and Maintenance Easement shall be recorded and the book and page number shall be placed on the final Preliminary Plan AP 15582, as well as all corresponding final plats.
4. Prior to final signature approval, the Applicant shall add a note to the Preliminary Plan stating that the Private Flooding Soils Mitigation, Drainage, and Maintenance Easements shall not be modified without prior approval by Planning and Permitting Division (PDD) and that the easements shall be transferred automatically to current and future property owners.
5. Prior to final signature approval of the Preliminary Plan the Applicant shall submit Home Owners Association (HOA) documents to the Office of the Frederick County Attorney for review and approval of description and responsibilities regarding the Private Flooding Soils Mitigation, Drainage, and Maintenance Easement for lots 7-10. The approved HOA documents shall then be recorded in the land records prior to issuance of the first residential building permit.
6. The Private Flooding Soils Mitigation, Drainage and Maintenance facilities shall be constructed, certified, and operational prior to issuance of the first building permit. Certification shall be submitted to the PDD by a design professional approved by PDD that states that the facilities have been designed and are operational per the approved preliminary plan.
7. The APFO approval is valid for three (3) years from the date of FCPC approval; therefore the APFO approval expires on November 13, 2016.
8. Preliminary Plan approval is valid for the lesser of five (5) years from the date of FCPC approval, or the period of APFO approval (per section 1-16-71(Q)). Therefore the Preliminary Plan approval expires on November 13, 2016.

PLANNING COMMISSION ACTION

MOTION TO APPROVE

I move that the Planning Commission **APPROVE S-1131 (AP 15582) with conditions** as listed in the staff report for the proposed preliminary plan for Section 1 Phases 2 & 3 comprised of 13 lots, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.





June 2, 2015

Ms. Shawna Lemonds, Planning Manager
Frederick County Development Review and Engineering
30 N. Market Street
Frederick, MD 21701

Re: Bennett Preserve, formerly Crossroad Farm
Section One, Revised Preliminary Plat

Dear Ms. Lemonds:

Crossroads Land, LLC., owner of the referenced project, has submitted a revised Preliminary Plat and Forest Resource Ordinance (FRO) Plan. We would like to outline why we feel this change to the design would better serve the interests of the County and State, as well as the future residents.

Background- The project received a Preliminary Plan Approval Letter from your office dated June 4, 2014, as Project #S-1131, Hansen #14557, and as revised (Revision #2) on March 10, 2015, Hansen #15289. The project was the subject of numerous reviews and revisions prior to then, to address concerns related to design of the subdivision, Adequate Public Facilities, septic and well locations, and the Forest Resource Ordinance. The project developer at the time of approval was Hyattstown Associates, LLC. The project has since been purchased by Crossroads Land, LLC, which is a subsidiary of The Wormald Companies, based in Frederick, MD. The engineering and construction staff at Wormald have over 150 years of combined experience in planning, designing and building housing projects in Maryland.

Wormald commitment to improvement- While the Approved Plat met the minimum requirements of the County Code and reviewing agency regulations at the time the project was purchased, part of the Wormald company philosophy is maximizing excellence through superior design and construction. For the subject property, this included re-evaluating the unique nature of the project to determine its highest and best land use, and determining if any re-design opportunities existed to enhance sustainability, neighborhood appeal, and overall quality of life for future residents.

Analysis of the current plan- The site was studied at a regional/land bay level by reviewing updated environmental and topographic maps, the approved Traffic Impact Study, proposed traffic patterns, approved FRO impacts, approved well and septic locations, adjacent uses, and the Subdivision and Zoning Code.

Results of the land plan analysis- We found several areas of design that we feel that if improved upon as proposed, could foster the desire of the County for designs that result in a character that protects the health, safety and general welfare of the county and its residents, results in a more sustainable

environment, and yields a higher and better use for the property. Of note, the developer is proposing to sacrifice several approved residential lots to obtain a higher quality community. The bulk of the original plan was found to be of high quality and retained, however, some areas could be improved, and the revisions form the basis for the submission of the amended plan. As specifically shown on the attached exhibits showing a regional view, the major environmentally sensitive areas are currently fragmented and separated by interior road/driveway networks. In the proposed plan, the stream valley and its major tributary are retained in a 14.5 acre contiguous block of forested easement, resulting in a permanent canopied wildlife corridor extension to the adjacent Little Bennett Regional Park. Retention of this major environmental feature breaks the southern area of the site into two land bays separated by a wide green space.

Changes and benefits of the revised plan- The most significant opportunity afforded by this change is to isolate the land bay at the corner of Route 355 and 75. While the area yields sufficient percolation sites for 3 residential lots as shown on the approved plan, linking the land bay to the area east of the stream via a driveway system eliminates the opportunity to use the existing forested stream system as a buffer between the natural east and west land bays south of Route 75. As a single parcel, we see the west land bay location as extremely viable for a church, which is an approved use in this zoning district. This institutional use is also more compatible with the adjacent commercial use to the south. We have obtained conceptual approval of an access point for such a use with the State Highway Administration, please find attached. The second benefit of eliminating the stream crossing is that the need to access the west side of the stream removes an additional justification for the road connection to Route 75, as there is no need to extend the road so far towards Route 75. Under the revised plan, the road as now proposed meets county criteria for a residential cul-de-sac, serving a maximum of 23 residential units with a length of less than 1800'. The elimination of the connection to MD Route 75 also eliminates two additional wetland crossings, allowing the near contiguous wooded wildlife corridor to extend from Little Bennett Regional Park upstream over a quarter of a mile. Of equal importance to the environmental benefits of this design revision, is the change to the long term character of the neighborhood that would result. As outlined in the approved Traffic Impact Study, it is acknowledged that MD Route 75 will one day be terminated south of Lewisdale Road to allow for its realignment. What is not obvious in the report are the potential long term ramifications. If the plan as currently approved is allowed to stand, it is reasonable to assume that the background traffic which normally makes the movement from northbound Route 355, to northbound Route 75, to eastbound Lewisdale Road, will continue to take that route (read shortcut) once Route 75 is terminated. This is an additional 36 peak hour trips per day, or approximately an additional 360 cars and trucks per day taking the short cut. This will decrease safety within the neighborhood. By eliminating the road connection and therefore the opportunity for the short cut, the rural residential character of the neighborhood can be maintained in perpetuity.

Applicable codes, compliance or enhancement- The following are advantages offered by the revised design, and do not purport that the existing design is deficient, only that the revised plan offers opportunities to create a higher quality environment. Not all codes are addressed, only those where the revision yields a significant change.

Section 1-16-217 LAND REQUIREMENTS

(B) The subdivision design shall take advantage of the uniqueness of the site reflected by the topography, soils, the wooded areas, water bodies, and the relation to adjoining subdivisions and land uses, both proposed and existing.

The revised subdivision take greater advantage of the uniqueness of the site in multiple ways. First, significantly less steep slopes, and more importantly, wooded steep slopes, are impacted by this design. Second, multiple impacts to streams and drainage ways are eliminated. Thirdly, one waterbody impact is eliminated. Fourthly, the relationship to the adjoining park is enhanced by extending an unbroken wildlife corridor upstream from the common property line. Fifthly, the future land use change, which results in the potential for "short-cut" traffic patterns, has been accommodated by eliminating potential traffic issues.

Section 1-16-221 PRESERVATION OF NATURAL COVER

Land to be subdivided shall be designed and improved in reasonable conformity to existing topography in order to minimize grading, cut and fill, and to retain, insofar as possible, the natural contours, minimize stormwater runoff, and conserve the natural cover and soil.

The revised subdivision preserves a greater area of natural cover through the elimination of 2 stream valley crossings across wooded steep slopes and wetlands, and eliminates 600 linear feet of road, and 800 linear feet of driveways.

Section 1-16-234 GENERALLY

(A) Design to consider the context of the proposed land use, including the existing and proposed land development patterns on adjacent parcels.

The revised subdivision considers the effects related to the adjacent future road closing.

(D) Design local residential street systems to minimize through traffic and to discourage excessive speed.

The revised subdivision minimizes through traffic and discourages excessive speed as it considers the effects related to the adjacent future road closing, and will decrease traffic on the residential street by approximately 360 trips per day.

(H) Pedestrian-vehicular conflict points shall be minimized.

The revised subdivision minimizes conflict points by lessening the overall length of the road system, and overall traffic volumes.

(I) Design to preserve, enhance, or incorporate natural, community, and historic resources.

The revised subdivision preserves, enhances (through forest plantings) and incorporates the natural resources of the wooded stream valley and its steeply sloped banks into a wildlife system compatible with the adjacent public park.

Section 1-16-236 OTHER STREET REQUIREMENTS

(K)(1)(a) The applicant must demonstrate the existence of site specific circumstances that make the design and development of a through street practically infeasible.

The design and development of a through street are not practically infeasible, however the environmental impact of two wetland crossings (deceleration lane widening and wetland crossing of the road connection itself), combined with the future impact of changed traffic patterns, do make it infeasible to have a through street, and still meet the intent of Sections 1-16-221 and 1-16-234 as

outlined above. We contend that the future residents of this neighborhood would be better served with the proposed subdivision, which would better protect their health, safety and general welfare.

We respectfully request that you review and recommend approval of the amended plan in recognition of our goal of creating a greener and safer neighborhood for the future residents of Frederick County. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Trip Donovan".

Trip Donovan, P.E., CFM
Senior Engineer
Piedmont Design Group and
The Wormald Companies